

IN THE COURT OF CRIMINAL APPEALS

FOR THE STATE OF TEXAS

MICHAEL JOSEPH BIEN

FILED
COURT OF CRIMINAL APPEALS
12/8/2016
ABEL ACOSTA, CLERK

VS.

Nos. PD-365-16 & PD-366-16

THE STATE OF TEXAS

MOTION FOR EXTENSION OF TIME TO FILE
APPELLANT'S REPLY BRIEF

TO THE HONORABLE JUDGES OF THE COURT OF CRIMINAL APPEALS:

COMES NOW, Appellant, by and through his attorney, KEITH S. HAMPTON, and files this his *Motion for Extension of Time to File Appellant's Reply Brief*, pursuant to Rules 9, 10 and 38.6 of the Texas Rules of Appellate Procedure, and in support thereof, would show the Court the following:

I.

Appellant was convicted of attempted capital murder in cause #CR22319 and on February 21, 2014, he was assessed a life sentence. He was also convicted in cause #CR22320 of solicitation to commit capital murder and assessed a life sentence, said sentences to run concurrently. Appellant's Motions for New Trial and In Arrest of Judgment were overruled by the trial court without a hearing on February 27, 2014. (RR Vol. 12 p. 7). Appellant timely perfected his appeal.

The Court of Appeals reversed the conviction and sentence for attempted capital murder and rendered an acquittal; however, the Court affirmed the judgment and sentence for solicitation. *Bien v. State*, __S.W.3d__ (Tex.App. Nos. 11-14-00057-

CR & 11-14-00058-CR – Eastland, delivered March 3, 2016). On May 3, 2016, Appellant filed Petitions for Discretionary Review, and on September 14, 2016, this Court granted Appellant’s petitions.

II.

The briefs in these cases have been filed. Appellant did not file a Reply Brief, which was due on December 1, 2016. On December 5, 2016, this Court ordered Appellant to file a Reply to the State’s Brief on the Merits. Appellant therefore seeks six additional days to file his brief.

PRAYER

Wherefore, premises considered, undersigned counsel prays this Court to extend the time for filing Appellant's brief to Wednesday, December 7, 2016.

Respectfully submitted,



Keith S. Hampton
SBN # 08873230
keithshampton@gmail.com
1103 Nueces Street
Austin, Texas 78701
(512) 476-8484
(512) 762-6170 (mobile)
(512) 477-3580 (fax)

Counsel for Appellant

By affixing my signature above, I hereby certify that a true copy of *Appellant's Motion for Extension of Time to File Appellant's Reply Brief* has been electronically delivered, via Efile Texas, to:

Elisha Bird (elisha.bird@browncountytexas.org)
Micheal Murray, District Attorney
Brown County Courthouse
200 South Broadway
Brownwood, TX 76801

on this day, December 7, 2016.